

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

DYLAN RAINES

Plaintiff,

v.

GT EXPRESS, INC. and
LAURAH M. WILKINSON

Defendants.

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CIVIL ACTION NO. 5:21-cv-904

DEFENDANT GT EXPRESS, INC.'S NOTICE OF REMOVAL

BACKGROUND

1. This is a personal injury action arising from a motor vehicle accident that occurred in Kerr County, Texas on August 3, 2020.¹ Plaintiff Raines claims he suffered personal injuries as a result of the alleged negligence of Defendants.

STATE COURT ACTION

2. Raines filed suit against defendants GT Express, Inc. and Laurah M. Wilkinson on August 20, 2021. The case was filed in the 198th Judicial District Court of Kerr County, Texas under cause number 21498B, case style *Dylan Raynes v. GT Express, Inc. and Laurah M. Wilkinson*.

JURISDICTION

3. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. § 1332(a) because this is a civil action in which the amount in controversy exceeds \$75,000, exclusive of interests and costs, and no defendant is domiciled in the same state as the plaintiff.

¹ See Ex. C (Plaintiff's *Original Petition*)

Furthermore, under 28 U.S.C. § 1441(b)(2), no defendant is a citizen of Texas where this action was brought.

4. According to Raines' *Original Petition*, he is a resident of Texas and seeks damages in excess of \$1,000,000.² Defendant Wilkinson is a resident of California. Defendant GT Express, Inc.'s principal place of business in Illinois.

5. For these reasons, the amount-in-controversy and diversity requirements of 28 U.S.C. § 1332(a) are met, and the Court has original jurisdiction over this action.

TIMELINESS

6. After Raines filed his original petition on August 20, 2021, the Kerr County district court issued a citation to GT Express, Inc. and it received the citation on or about August 22, 2021.³ Laura M. Wilkinson has not been served.⁴ Thirty days have not elapsed from service to either defendant. Under 28 U.S.C. § 1446(b)(1), this Notice of Removal is therefore timely and proper.

CONDITIONS PRECEDENT

7. Defendant has tendered the required filing fee to the Clerk of the United States District Court for the Western District of Texas, San Antonio Division, along with this Notice of Removal. Defendant will promptly file a copy of this Notice of Removal with the Kerr County Clerk and will provide notice to Raines through his counsel of record.

² *Id.* ¶¶ 1.

³ *See* Ex. D (Plaintiff's Service of Process on Defendant GT Express, Inc.)

⁴ *See* Ex. E (Plaintiff's Service of Process on Defendant Laurah M. Wilkinson).

8. Copies of all executed process, pleadings, and orders filed in state court, as well as the docket sheet, an index of matters being filed, and list of counsel of record accompany this notice.⁵

CONDITIONAL REQUEST FOR HEARING AND JURISDICTIONAL DISCOVERY

9. If Raines contests this removal, GT Express, Inc. requests (1) a hearing regarding this Court's jurisdiction over, and the propriety of removal of, this matter; (2) the opportunity to present evidence demonstrating the existence of federal jurisdiction and the propriety of removal; and (3) leave to conduct limited discovery related to those matters.

JURY DEMAND

10. Defendant demands a jury trial.

CONCLUSION

Defendant GT Express, Inc. respectfully requests that this action be removed from the 198th Judicial District Court of Kerr County, Texas, to this Honorable Court.

Respectfully submitted,

THE FUENTES FIRM, P.C.

/s/ *Juan Roberto Fuentes*

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**ATTORNEYS FOR DEFENDANT
GT EXPRESS, INC.**

⁵ See 28 U.S.C. § 1446; S.D. Tex. Civ. R. 81; Ex. B (Civil Cover Sheet and Docket Sheet); Ex. C; Ex. D; Ex. E (List of Counsel of Record).

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on the following counsel of record through the Court's ECF system on September 21, 2021.

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/s/ *Juan Roberto Fuentes*
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